

Attorney Docket: 112.P14032

REMARKS

It should be noted that the office action dated May 23, 2006 was mailed to the incorrect law firm. Assignee only became aware of the office action through a check on PAIR to ascertain the status of the application. The Examiner should note the power of attorney filed on March 16, 2006. Assignee respectfully requests that future correspondence be mailed to the address associated with customer number 0043831, as indicated in the power of attorney.

The present patent application has been reviewed in light of the office action, dated May 23, 2006, in which claims 18-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matama, U.S. Patent No. 6,683,981 (hereinafter "Matama"). Reconsideration of the present application in light of the foregoing amendments and the following remarks is respectfully requested.

Claims 18-33 are pending in the application. Claims 20, 25, and 31 have been amended.

Rejections under 35 U.S.C. § 103(a)

Claims 18-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matama. In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. MPEP 2142. To establish a *prima facie* case of obviousness, three basic criteria must be met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to

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modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142.

Matama does not teach or suggest all of the claim limitations. For example, Matama does not teach "replacing the saved information for the first pixel from the first scan with the summed pixel information from the first and second scans" as claimed in claim 1. As can be seen in Matama (see for example Figure 4 and associated discussion in the detailed specification), information related to a pre-scan is stored in a pre-scan memory 40. Information from a fine scan is stored in a fine scan memory 42. There is no teaching or suggestion of storing summed pre-scan and fine-scan information in the pre-scan memory. Also, because the fine scan operation of Matama involves a high resolution scan, the memory requirements for the pre-scan and fine scan operations would differ, so there would be no motivation to store fine scan information in the pre-scan memory.

For at least these reasons, claim 18 is patentably distinguished over Matama. Claims 20, 23, 25, 29, and 31 include similar limitations. Therefore, these claims and the claims that depend from them are patentably distinguished over the cited patent, and Assignee respectfully requests that the rejections for these claims be withdrawn.

It is noted that claimed subject matter may be patentably distinguished from the cited patent for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

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CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application are in condition for allowance. If the Examiner has any questions, he or she is invited to contact the undersigned at (503) 439-6500.

Reconsideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3703.

Respectfully submitted,

Dated: 11/22/06

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I hereby certify that this correspondence is being deposited via facsimile to the Commissioner for Patents on:

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Date of Transmission

Tamara Daw
Name of Person Transmitting Correspondence

Tamara Daw 11/22/06
Signature Date